

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**ENTERED**

February 23, 2016

David J. Bradley, Clerk

GERARDO CRUZ

Plaintiff

VS.

OFFICER IBARRA, *et al.*,

Defendants

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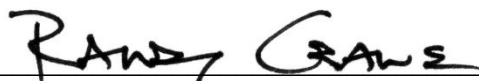
CIVIL ACTION NO. 7:13-CV-458

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Magistrate Judge's Report and Recommendation regarding Plaintiff's civil rights complaint filed in conjunction with his application to proceed IFP. On January 26, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's claims be dismissed without prejudice for want of prosecution. The time for filing objections has passed, and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiff's claims are **DISMISSED** without prejudice for want of prosecution.

SO ORDERED this 23rd day of February, 2016, at McAllen, Texas.



Randy Crane
United States District Judge

¹As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Services Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996)(quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. April 2, 2012).